

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's
Own Motion to Establish Consumer Rights and
Consumer Protection Rules Applicable to All
Telecommunications Utilities.

Rulemaking 00-02-004

(Filed February 3, 2000)

**ASSIGNED COMMISSIONER'S RULING
ESTABLISHING HEARING PROCEDURES**

On June 30, 2005 the Assigned Commissioner issued a ruling that scheduled formal legislative hearings in this proceeding and invited parties to file opening and reply testimony on three topics identified in the ruling. Nine parties have served prepared testimony, and seven have served reply testimony. That testimony will become part of the proceeding record, and parties should be prepared to distribute additional copies to hearing attendees who may not have received it. Parties may nominate the same or different witnesses to represent them in the hearings. Witnesses for parties having served testimony and replies should be prepared to answer questions on it, but no formal cross-examination by the parties will be permitted.

In response to comments from the parties, the date of hearings was moved to September 28 through September 30, 2005 and the time for filing reply testimony was extended to September 16, 2005. It has now been determined that two days of hearings will be sufficient. Accordingly, parties are notified that formal hearings will now begin at 9:00 a.m. on September 29, 2005, the second of the three days currently scheduled, in the Commission Courtroom, State Office

Building, 505 Van Ness Avenue, San Francisco, California. There will be no hearings on September 28.

September 29th will be devoted to three topics: marketing & advertising of telecommunications services; billing issues; and meeting the needs of non-English speaking consumers. On September 30th, we will address cramming, with specific reference to placement of non-communications charges on phone bills; consumer freedom of choice among Internet service and content providers; and so-called “naked DSL.” Each topic will be introduced by Jack Leutza, Director of the Commission’s Telecommunications Division, who will summarize current laws and regulations dealing with the topic and outline the current consumer protection and law enforcement regime.

Following Mr. Leutza’s presentations, witnesses nominated by the parties will be expected to address the following questions with respect to each of topics:

1. What are the problems confronted by consumers in the topic area?
2. Are existing laws, regulations and enforcement mechanisms sufficient to address those problems?
3. If not, what solutions are proposed?
4. What are the costs and benefits of the proposed solutions to consumers and carriers?

Parties wishing to nominate witnesses should notify assigned Administrative Law Judge James McVicar (jcm@cpuc.ca.gov) and the Assigned Commissioner’s office (kjb@cpuc.ca.gov) no later than Friday, September 23, with copies to the service list, of the identity of their proposed witnesses and the topics which such witnesses will address. Only entities that are currently parties to the proceeding may nominate witnesses. We encourage parties holding similar views to work together and where possible offer witnesses who can speak on

behalf of multiple parties. For each topic, we propose to form panels composed of both industry and consumer organization representatives. Each witness will be asked to state briefly for the record the views of the parties he represents with respect to the specific topic and then be available to respond to questions from the Assigned Commissioner, the assigned ALJ, another Commissioner, and other witnesses. The assigned ALJ will direct the formation of panels and impose such limits on panel composition and time as may be necessary to insure orderly proceedings and to give all nominated witnesses an opportunity to participate.

ALJ James McVicar will preside. Assigned Commissioner Susan Kennedy will be present throughout the hearings. Commissioner Geoff Brown will be present for at least a portion of the hearings.

Therefore, **IT IS RULED**

1. Formal hearings will begin on September 29, 2005, at 9:00 a.m., in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.
2. Parties desiring to participate in the formal hearings shall observe the procedures set forth above in this ruling.

Dated September 19, 2005, at San Francisco.

/s/ SUSAN P. KENNEDY

Susan P. Kennedy
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have, by electronic mail to the parties for which an electronic mail address has been provided, this day served a true copy of the original attached Assigned Commissioner's Ruling of Commissioner Susan Kennedy on all parties of record for proceeding R.00-02-004 or their attorneys of record.

I further certify that tomorrow, September 20, 2005, I shall place true copies of the attached original Assigned Commissioner's Ruling in the United States Mail to all parties of record.

Dated September 19, 2005, at San Francisco, California.

/s/ CHRISTOPHER V. MEI

Christopher V. Mei

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

Kennedy General Order ____